

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02720-CKK**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
DEFENSE et al

Assigned to: Judge Colleen Kollar-Kotelly

Demand: \$0

Cause: 05:552 Freedom of Information Act

Plaintiff

AMERICAN OVERSIGHT

Date Filed: 11/21/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by **Cerissa Cafasso**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5244
Fax: (202) 871-6523
Email: cerissa.cafasso@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF DEFENSE

represented by **Johnny Hillary Walker , III**
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2575
Fax: (202) 252-2599
Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2557
Fax: (202) 252-2599
Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Johnny Hillary Walker , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Johnny Hillary Walker , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles–Huff
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF STATE

represented by **Johnny Hillary Walker , III**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles–Huff
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF THE
TREASURY**

represented by **Johnny Hillary Walker , III**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles–Huff
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

represented by **Johnny Hillary Walker , III**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles–Huff
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/21/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY (Filing fee \$ 400 receipt number 0090–5803860) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons, # <u>9</u> Summons)(Cafasso, Cerissa) (Entered: 11/21/2018)
11/21/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 11/21/2018)
11/21/2018		Case Assigned to Judge Colleen Kollar–Kotelly. (zmd) (Entered: 11/21/2018)
11/26/2018	<u>3</u>	SUMMONS (8) Issued Electronically as to U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 11/26/2018)
11/27/2018	<u>4</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR–KOTELLY. Signed by Judge Colleen Kollar–Kotelly on 11/27/18. (DM) (Entered: 11/27/2018)
11/28/2018	<u>5</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of All Defendants (Walker, Johnny) (Entered: 11/28/2018)

12/04/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/26/2018. (Answer due for ALL FEDERAL DEFENDANTS by 12/26/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/30/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF DEFENSE served on 12/3/2018; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 11/29/2018; U.S. DEPARTMENT OF HOMELAND SECURITY served on 11/29/2018; U.S. DEPARTMENT OF JUSTICE served on 11/30/2018; U.S. DEPARTMENT OF STATE served on 12/3/2018; U.S. DEPARTMENT OF THE TREASURY served on 11/30/2018 (Attachments: # <u>1</u> Exhibit)(Cafasso, Cerissa) (Entered: 12/04/2018)
12/20/2018	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY.(Walker, Johnny) (Entered: 12/20/2018)
12/21/2018	<u>8</u>	ORDER. The parties shall file the schedule not later than JANUARY 22, 2019 . Signed by Judge Colleen Kollar-Kotelly on December 21, 2018. (lcckk1) (Entered: 12/21/2018)
12/21/2018		Set/Reset Deadlines: Joint Status Report due by 1/22/2019. (kt) (Entered: 12/21/2018)
01/16/2019	<u>9</u>	MOTION to Stay by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/16/2019)
01/16/2019		MINUTE ORDER: The Court has received Defendants' <u>9</u> Motion for Stay of All Proceedings in Light of Lapse of Appropriations. Although Plaintiff opposes a general stay, Plaintiff has not taken a position on an extension that is "reasonably short."In an exercise of the Court's discretion, the Court shall GRANT-in-PART and DENY-in-PART Defendants' <u>9</u> Motion. Except as provided below, the Court shall STAY this case, including the deadline for the parties' Joint Status Report otherwise due by January 22, 2019. The Court shall not extend deadlines commensurate with this already lengthy lapse in appropriations. Rather, the parties shall file a notice within five business days of the restoration of the U.S. Department of Justice's funding and the resumption of its operations, and the Court shall set any further deadlines at that time.Defendants have not indicated which, if any, of the Defendant agencies, other than the U.S. Department of Justice, is likewise experiencing a lapse in funding, and whether the agency personnel responsible for processing Plaintiff's FOIA requests at any such agencies have been deemed essential. To the extent that those agency personnel have been deemed essential, they should continue to process Plaintiff's FOIA requests during the pendency of the lapse in appropriations so that, upon restoration of funding to the U.S. Department of Justice, the next Joint Status Report may propose a more appropriate schedule for further proceedings.Signed by Judge Colleen Kollar-Kotelly on January 16, 2019. (lcckk1) (Entered: 01/16/2019)
02/01/2019	<u>10</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER: The Court has received the parties' <u>10</u> Joint Status Report, which identifies the restoration of government funding. Accordingly, the Court hereby LIFTS the stay in this matter.The parties also indicate that Plaintiff wants to amend its Complaint in response to Defendants' Answer. The Court shall adopt slightly adjusted versions of the parties' proposed further proceedings. By no later than FEBRUARY 15, 2019 , Plaintiff may file a Motion for Leave to File an Amended Complaint. Plaintiff shall confer with Defendants for their position on the motion prior to any such motion. The parties shall bear in mind that Plaintiff is entitled to amend its Complaint without the Court's leave if Defendants give written consent. Fed. R. Civ. P. 15(a)(2).By no later than MARCH 1, 2019 , the parties shall file a Joint Status Report that addresses the questions identified by the Court in its <u>8</u> Order of December 21, 2018.Signed by Judge Colleen Kollar-Kotelly on February 1, 2019. (lcckk1) (Entered: 02/01/2019)